

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

REMARKS

Claims 1-26 remain pending in this Application.

In the Final Office Action mailed January 25, 2005, the Examiner: (1) rejected claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 102(e) as being anticipated by Dewkett et al. (U.S. Patent No. 5,646,676); (2) rejected claims 2, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Ehreth (U.S. Patent No. 6,286,142); (3) rejected claims 3, 5, 10, 13, 15, 19, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks (U.S. Patent No. 6,139,197); (4) rejected claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Hluchyj (U.S. Patent No. 6,151,325); (5) rejected claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Cannon et al. (U.S. Patent No. 6,014,706); and (6) rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al. (U.S. Patent No. 6,052,715).

Applicant respectfully traverses each of these rejections, based on the following remarks. Each section of the Final Office Action is addressed under a parallel heading below.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 4, 6, 11, 12, 17, and 20 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Dewkett et al. Applicant traverses this rejection because Dewkett et al. fails to show each and every recitation of the rejected claims.

Claim 1 recites, *inter alia*:

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

a massively parallel video server that includes:

a set of storage devices; and

a plurality of processors configured to stream a massive plurality of video streams from one or more video titles stored in the set of storage devices, the plurality of processors each having concurrent access to the same set of storage devices for concurrently streaming the plurality of video streams

Claim 1, ll. 2-7. Claim 17 includes similar recitations.

The Examiner asserts that CPUs 101 of Dewkett et al. are both "configured to stream video" and have concurrent access to disks 107 (*see Final Office Action*, p. 2, l. 13, through p. 3, l. 11, and p. 6, l. 22, through p. 7, ll. 10). However, as pointed out in the Amendment filed August 19, 2004, Dewkett et al. *explicitly* states that the "CPUs [101] of the host system are not used for [multimedia] data transmission."

Dewkett et al., col. 10, ll. 4-5 (emphasis added). *See also id.*, col. 4, ll. 35-49, and col. 5, ll. 60-63. Thus, contrary to the Examiner's assertions, the CPUs 101 of Dewkett et al. are not "configured to stream" video.

Notwithstanding the explicit statement in Dewkett et al., the Examiner argues that

the host CPUs "plurality of processors" handles concurrent STB [(set top box)] requests, which includes movie start and stop commands and controls any Multimedia Adapter 106 to retrieve the requested movie from any set of disk "set of storage devices" associated with the MM [(Multi-Media)] adapter 106 to concurrently stream movie requests to STBs (col. 9, lines 19-22, line 45-col. 10, line 2); determines the transmission of the requested movie to be allowed to the STB and sends a respon[sive] command to the appropriate MMC [(Multi-Media Controller)] of MM adapter 106 (col. 9, lines 58-62); accepting interruption, reading blocks, inserting start and stop commands, performing processes needed to be done before any movie can be transmitted to any STB (col. 13, lines 58-63); copies or replicates movies from tape to one of more disks associated with the MM adapter 106

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

(col. 14, lines 39-62), etc. ... [T]he plurality of CPUs in the host system are the master controllers of the interactive multimedia server system that are configured to control any intermediate MMC of the MM adapter 106 to concurrently stream movies to any STB based on the request and furthermore controlling interrupts, checking for authorization and billing, etc., of the interactive multimedia server system.

Final Office Action, p. 2, l. 15, through p. 3, l. 11.

However, even assuming, *arguendo*, that the Examiner's characterization of Dewkett et al. is correct (which Applicant does not admit), none of the activities of CPUs 101 cited by the Examiner include "stream[ing] a massive plurality of video streams," as recited in claims 1 and 17. Instead, Dewkett et al. uses multimedia controller (MMC) processors 401 to "control movie data transmission to the STB[s]" (Dewkett et al., col. 16, l. 48).

However, the MMC processors 401 do not have "concurrent access to the same set of storage devices," as recited in claims 1 and 17. Rather, each MMC processor 401 has access only to those disks 107 that are connected to the disk adapters 303 controlled by the individual MMC processor 401 (see id., Figures 3 and 4, and col. 4, ll. 41-44). In fact, rather than providing concurrent access to disks 107, Dewkett et al. uses CPUs 101 to copy movies between from a disk 107 accessible to one MMC processor 401 to a disk accessible to another MMC processor 401 which is servicing the requesting STB (see id., col. 16, ll. 36-40).

Thus, contrary to the Examiner's assertions, Dewkett et al. does not show "a plurality of processors" that are both "configured to stream a massive plurality of video streams from one or more video titles stored in the set of storage devices" and "hav[e] concurrent access to the same set of storage devices for concurrently streaming the

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

plurality of video streams," as recited in claims 1 and 17. Rather, Dewkett et al. uses one set of processors 401 to control movie data transmission to the STBs (id., col. 16, l. 48) and another set of processors 101 to copy movies between the disks 107 that are accessible to the individual MMC processors 401 (see id., col. 16, ll. 36-40). See also id., col. 4, ll. 35-49. With this design, Dewkett et al. discloses that "the bandwidths of the buses in the host computer system ... do not limit the rate of multimedia data transfers controllable by the host system." Id., col. 10, ll. 11-14.

For at least these reasons, Dewkett et al. does not teach each and every recitation of claims 1 and 17. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 4, 6, 11, 12, and 20 depend from one of claims 1 and 17. As explained, claim 1 is allowable over Dewkett et al. Accordingly, claims 4, 6, 11, 12, and 20 are allowable over Dewkett et al. for at least the same reasons as those set forth for claims 1 and 17. Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 18, and 26 are rejected as allegedly unpatentable over Dewkett et al. in view of Ehreth. Claims 2, 18, and 26 depend, directly or indirectly, from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al. Moreover, Ehreth is not relied upon to teach, and in fact does not teach the above-noted deficiencies of Dewkett et al. For at least these reasons, Dewkett et al. and Ehreth,

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

taken alone or in combination, do not teach or suggest the recitations of claims 2, 18, and 26, and thus do not establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 3, 5, 10, 13, 15, 19, 23, and 24 are rejected as allegedly unpatentable over Dewkett et al. in view of Banks. However, these claims depend, directly or indirectly, from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al., for at least the reasons set forth above, and Banks does not cure the cited deficiencies of Dewkett et al. For at least these reasons, neither Dewkett et al. nor Banks, nor their combination, teach all of the recitations of claims 3, 5, 10, 13, 15, 19, 23, and 24, and thus do not establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 7-9, 21, and 22 are rejected as allegedly unpatentable over Dewkett et al. in view of Hluchyj. Claims 7-9, 21, and 22 depend from one of claims 1 and 17. As explained, claims 1 and 17 are allowable over Dewkett et al. Further, Hluchyj is not relied upon to teach, and does not teach the above-noted deficiencies of Dewkett et al. Consequently, the rejection of claims 7-9, 21, and 22 is not supported by Dewkett et al. or Hluchyj, whether taken alone or in combination, and Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 14 and 25 are rejected as allegedly unpatentable over Dewkett et al. in view of Banks and Cannon et al. However, these claims depend from claims 3 and 19,

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

respectively. As explained, claims 3 and 19 are allowable over Dewkett et al. in view of Banks. Moreover, Cannon et al. does not supply the deficiencies of Dewkett et al. and Banks discussed above. Thus, for at least these reasons, Dewkett et al., Banks, and Cannon et al., taken alone or in any combination, fail to teach or fairly suggest the recitations of claims 14 and 25. Accordingly, Applicant respectfully requests that the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al. However, claim 16 depends from claim 5. As explained, claim 5 is allowable over Dewkett et al. in view of Banks. Moreover, Fukui et al. does not cure the above-cited deficiencies of Dewkett et al. and Banks. Thus, for at least these reasons, Dewkett et al., Banks, and Fukui et al. fail to teach or fairly suggest the recitations of claim 16, whether taken alone or in any combination. Accordingly, Applicant respectfully requests that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Conclusions

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of claims 1-26.

Application No. 09/252,326
Attorney Docket No. 98-906 RCE 1

Finally, Applicants note that the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is discussed herein, Applicants decline to automatically subscribe to any such statement or characterization.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: March 23, 2005

By: 

Joseph R. Palmieri, Esq.
Reg. No. 40,760

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038

(972) 718-4800

CUSTOMER NO. 32,127